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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,218	08/21/1998	MIKA TARKIAINEN	466-008195-U	3829

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/138,218

Applicant(s)

TARKIAINEN ET AL. 

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 25, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-2,4-6,9-13,15,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al "Boltz" (5,943,620) in view of Pepe.

Art Unit: 2684

As to claims 1,10, Ghisler discloses method using a message service for the transmission of textual message from a user (column 6, lines 40-47), containing information from a sender (110), to the mobile station of a recipient (column 6, lines 40-47), who as a primary mobile station (30a) capable of receiving at least voice calls (107) (column 7, lines 27-59), and at least one secondary mobile station (30b), capable of receiving at least textual messages from the user (column 6, lines 40-47 and column 7, lines 27-59), comprising the step of directing textual user messages addressed to the primary mobile station to any of the secondary mobile stations of the recipient (column 7, lines 27-59) , irrespective of whether the primary mobile station is in use and whether notification message indicating the receipt of textual use messages are used (column 7, lines 27-59).

Boltz is silent in teaching the mobile telephone terminal capable of receiving textual message.

However, Pepe discloses PDA 30 capable of notification of a voice mail or fax messages receipt directed to a wireless PDA in the form of email message (column 6, lines 11-19 and figure 1).

Since, Boltz, with similar field of endeavor, teaches diverting unattended call or message to a secondary as explained above, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Boltz and Pepe in receiving text message at the wireless PDA , as taught by Pepe, in order to easily retrieve both voice and text in a single communication device and in a less costly manner of receiving message.

Art Unit: 2684

As to claims 2,18, Boltz discloses a secondary mobile station (30b) of the recipient is activated as the receiver of user messages to be transmitted to the primary mobile station so that user messages addressed to the primary mobile station are directed to the activated secondary mobile station (column 7, lines 27-59).

As to claims 4,9 and 11-12, Boltz discloses the activation is conducted from the secondary mobile station to be activated (column 7, lines 27-59).

Claim 6, which recites the step of implementing a system, in place of method claim 1, is rejected for same reason as set forth in the claim.

Claim 15, which recites the step of implementing a system, in place of method claim 1, is rejected for same reason as set forth in the claim.

As to claims 5,13, Boltz does not expressly disclose a computing device of the recipient for producing a notification message informing of a received user message to the recipient and to acknowledge the received user message by the recipient, and first directing the received user message to the data computing device and, if the user message is not acknowledged by a determined time, forwarding the user message to the activated mobile station.

However, Pepe discloses a computing device of the recipient for producing a notification message informing of a received user message to the recipient and to acknowledge the received user message by the recipient, and first directing the received user message to the data computing device and, if the user message is not acknowledged by a determined time, forwarding the user message to the activated mobile station (column 21, lines 29-44).

Art Unit: 2684

Since, Boltz, with similar art of endeavor, discloses redirecting call to the recipient of mobile terminal to a secondary mobile station upon the mobile terminal is off state. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Boltz and Pep for receipt of notification the PDA sends an acknowledgement to a sender for insuring the transmission of message is received.

4. Claims 8,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al "Boltz" (5,943,620) in view of Pepe, and further view of Gthisler (5,541,976)

As to claims 8, 17, Boltz does not disclose means for measuring time and producing an indication if the means for producing a notification message informing of the receipt of a user message does not produce the informing message by a determined time and means, responsive to the production of the indication by the means for measuring time for forwarding the received user message to the activated mobile station of the recipient.

Ghisler disclose means for measuring time ((402) and producing an indication if the means for producing a notification message informing of the receipt of a user message does not produce the informing message by a determined time and means, responsive to the production of the indication by the means for measuring time for forwarding the received user message to the activated mobile station of the recipient (column 5 line 48-column 6 line 10 and figure 4)).

Boltz does not expressly disclose a data computing device, which comprises means for receiving a user message and means for producing a notification message

Art Unit: 2684

information of the receipt of a user message, means for first directing a user message to the data computing device.

However, Pepe discloses a data computing device, (PDA) which comprises means for receiving a user message and means for producing a notification message information of the receipt of a user message, means for first directing a user message to the data computing device (column 21 lines 29-44).

Since, Boltz, with similar art of endeavor, discloses redirecting call to the recipient of mobile terminal to a secondary mobile station upon the mobile terminal is off state. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Boltz and Pepe for receipt of notification the PDA sends an acknowledgement to a sender for insuring the transmission of message is received.

5. Claims 3,7,14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz and Pepe in further view of Nguyen (5797089).

As to claims 3,7,14 and 16, Boltz and Pepe do not expressly disclose user message on basis of the notification of calendar events.

However, Nguyen discloses cellular phone that is programmed with personal information management software application such as notepad, calendar and call to alert the subscriber that text or image are to be sent (column 1, lines 48-50 and column 2, lines 24-28 and figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Boltz, Pepe and Nguyen in alerting messages

Art Unit: 2684

based on calendar events, as taught by Nguyen, for more precise date in reminding messages to the user that the time measure includes calendar events.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lahtinen (5,351,235) discloses the short message service scheme permits the sending of short messages from a call originating device to a call terminating device, even when the user of the call terminating device is not answering the call (abstract).

Doyle (5,68,196) discloses a message transferring or routing to a terminal other, than terminating terminal (column 6, lines 40-48).

. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

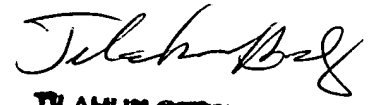
Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

Art unit 2684

May 12, 2004


TILAHUN GIBSON
PATENT EXAMINER